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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,988	02/21/2006	Hans-Peter Krauss	AG012	1783
53203 7590 05/16/2008 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581				
EXAMINER SY, MARIANO ONG				
ART UNIT 3683		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant argued in the Remarks that Wallis' passageways 62 are not throttles, as explained in applicant's previous response:

The openings bearing reference numeral 62 are called "passageways" in the Wallis document. They are further described as establishing a **free communication** between the interior of boot 56 and the upper end of cylinder 16 (see **Wallis, column 2, lines 26-28**). Such a free connection does not exist in the present invention but between the spring space 17 and the first damping space 9. The only "throttling" effect in the Wallis patent is seen along the periphery of piston 36, whose reciprocating movement may result in gas "seeping" from chamber 78, corresponding to the first damping space 9 of the present invention, into chamber 80, corresponding to the second damping space 10 of the present invention (see column 3, lines 2-6).

Examiner maintains Wallis' passageways 62 still reads on Applicant's overflow throttles (21, 22).

Overflow throttle is a relatively broad phrase. It is old and well known that a throttle is a bore hole that may have a fixed cross section (as disclosed by Schmitz et al. US 2007/0221457, see page 2, par. [0024], lines 1-2).

Also disclosed by Gold et al. (US 2004/0124571) overflow throttle 15 comprise a bore hole wherein the size and length of the bore hole and shape of cross section of the bore hole influence the flow resistance or damping behavior. Since an overflow throttle

is a bore hole for continuous flow (free communication) of fluid with a fixed cross section, an overflow throttle can also be considered as a passageway for continuous flow (free communication) of fluid with a fixed cross section and flow resistance or damping behavior is controlled by the size of the cross section of the bore hole. Therefore the passageway of Wallis can also be readable as an overflow throttle.

Schmitz et al. '457 and Gold et al. '571 are cited by the Examiner to support Examiner's rejection regarding "overflow throttles" recited in Applicant's claim 5.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3683

/MS/

May 12, 2008

/Robert A. Siconolfi/

Supervisory Patent Examiner, Art
Unit 3683